



Council of the
European Union

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INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 2)
Subject: Cases before the General Court of the European Union (actions for annulment of the "EU-Turkey statement")

- T-192/16 NF v. European Council
- T-193/16 NG v. European Council
- T-257/16 NM v. European Council

1. By note of 7 June 2016 (doc. 9897/16), the Legal Service informed COREPER of three applications for annulment lodged under Article 263 TFEU with the General of the EU Court of Justice¹. Those three applications were directed against the European Council and requested the Court to annul the "EU-Turkey statement" which was issued following the meeting of 18 March 2016 of the Members of the European Council and their Turkish counterpart (see press release 114/16 of 18 March 2016).

¹ Cases T-192 and T-193 were notified on 31 May 2016 and Case T-257/16 was notified on 2 June 2016.

2. On 4 November 2016, the Council, which is neither a party nor intervening party in the abovementioned three cases, has been notified of the request of the General Court², to provide answers to the following questions:

"The European Council, the Council of the European Union and the European Commission are requested to state whether the 'additional action points' referred to in the 'EU-Turkey Statement, 18 March 2016' can be regarded as reflecting the existence of an oral/unwritten agreement or of a written agreement.

(a) if there is a written agreement, and without prejudice to Articles 103 and 105 of the Rules of Procedure of the General Court, the European Council, the Council of the European Union and/or the Commission are requested to send that agreement to the General Court;

(b) in the absence of such an agreement, the European Council, the Council of the European Union and/or the Commission are requested to send to the General Court (and possibly to be sent for that purpose) any document making it possible to determine the parties which agreed the 'additional action points' referred to in the 'EU-Turkey Statement, 18 March 2016'."

3. The Council should therefore reply to these questions and the Legal Service intends to do so on behalf of the Council.
4. For that purpose, the Director General of the Legal Service of the Council has decided to appoint Mr Matthieu CHAVRIER, legal advisor in the Legal Service of the Council, as the Council's agent in the abovementioned three cases.

² That request was made pursuant to Article 89(3) of the Rules of Procedure of the General Court.